

**UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
COEUR D'ALENE FIELD OFFICE**

**Riley Creek/Frost Peak Road Right-of-Way  
Decision Record**

**Proposed Action:** To use the existing Frost Peak road; 14 feet wide and 2.10 miles long (3.5 acres). Right-of-way would be used to haul decorative rock from private property located on Frost Peak.

**Number:** ID-410-2008-CE-376

**Location of Action:** T. 48 N., R. 1 E., sec 22 S½NE¼, E½SW¼, W½SE¼; sec 28 E½SW¼, W½SE¼; approximately 4 air miles SW of Kingston, Idaho.

**I. Decision**

It is my decision that a right-of-way for an existing road (Frost Peak Road), 14 feet wide and 2.10 miles in length, for the purpose of hauling decorative rock, is granted to Riley Creek Lumber Company to expire on December 31, 2013 with no option to renew.

In addition to rental fees, Riley Creek Lumber Company shall pay \$535.50 to a BLM fund established for control of noxious weeds.

All activities utilize previously disturbed areas.

**II. Rationale**

The proposed action meets the criteria for categorical exclusion in 516 DM 11.5, E. 12. None of the exceptions in 516 DM 2, Appendix 2 apply.

/s/ Eric R. Thomson  
Eric R. Thomson  
Coeur d'Alene Field Manager

August 26, 2008  
Date

**III. Administrative Review Procedures**

This decision may be appealed under the regulations found at 43 CFR Part 4. In accordance with the right-of-way regulations found at 43 CFR 2801.10(a) and (b), all BLM right-of-way decisions remain in effect pending appeal unless the Secretary of the Interior rules otherwise, or as noted in this part. A petition for a stay of a BLM decision under this part of the regulations may be filed with the Office of Hearings and Appeals, Department of Interior.

**Contact Person**

For further information regarding this project, contact Janna Paronto in writing at the above address or by calling (208) 769-5037.

## **Categorical Exclusion for Road Right-of-Way**

**Categorical Exclusion**  
ID-410-2008-CE-376

### **Riley Creek Road Right-of-Way** IDI-36119

U.S. Department of the Interior  
Bureau of Land Management  
Coeur d'Alene District  
Coeur d'Alene Field Office, Idaho

#### **Background**

**BLM Office:** Coeur d'Alene Field Office  
**Case File No.:** IDI-36119

**Proposed Action Title/Type:** Riley Creek – Frost Peak Road Right-of-Way.

#### **Location of Proposed Action:**

Shoshone/Kootenai County, Idaho, Boise Meridian  
T. 48 N., R. 1 E., section 22 S½NE¼, E½SW¼, W½SE¼; section 28 E½SW¼, W½SE¼.  
The location of the proposed action is approximately 6 miles southwest of the town of Kingston, Idaho, on Frost Peak. See attached map.

#### **Description of Proposed Action:**

Riley Creek has applied to use the existing Frost Peak road; 14 feet wide and 2.10 miles long (3.5 acres). The right-of-way would be used to haul decorative rock from private property located on Frost Peak.

#### **Land Use Plan Conformance**

**Land Use Plan Name:** Coeur d'Alene Resource Management Plan  
**Date Approved:** June 2007

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

**Goal LR-1** – Meet public needs for use authorizations such as rights-of-way, leases, and permits when such needs are consistent with other resource values.

**Objective LR-1.1** – Issue use authorizations consistent with other resource values.

**Action LR-1.1.3** – To the extent possible, locate such authorized uses and applications for such uses where impacts on other resources will be the least disturbing.

**Compliance with the National Environmental Policy Act:**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E. 12.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed and none of the exceptions described in 516 DM 2, Appendix 2 apply.

Based upon the information contained in the project file, there is no potential for significant effects.

**Signature**

Authorizing Official: /s/Eric R. Thomson  
(Signature)

August 26, 2008  
Date

Name: Eric R. Thomson  
Title: Field Manager

**Contact Person**

For additional information concerning this Categorical Exclusion review, contact  
Janna Paronto  
Realty Specialist  
Coeur d'Alene Field Office  
3815 Schreiber Way  
Coeur d'Alene, Idaho 83815  
(208) 769-5037

**Attachments:**

Extraordinary Circumstances List  
Map of Project Area

## Categorical Exclusion Evaluation and Documentation of Extraordinary Circumstances

### Riley Creek - Frost Peak Road Right-of-Way 516 DM 11.9, E. 12.

Extraordinary circumstances do not exist for the proposed action described within the categorical exclusion. The extraordinary circumstances were evaluated and those findings are documented in the following form.

|      | <b>The proposed categorical exclusion action will:</b>  | <b>Yes</b> | <b>No</b> |
|------|---|------------|-----------|
| 2.1  | Have significant impacts on public health or safety.  |            | X         |
| 2.2  | Have significant impacts on such natural resources and geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas. |            | X         |
| 2.3  | Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA section 102(2)(E)).  |            | X         |
| 2.4  | Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.   |            | X         |
| 2.5  | Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.   |            | X         |
| 2.6  | Have a direct relationship to other actions with individually insignificant but cumulative significant environmental effects.   |            | X         |
| 2.7  | Have significant impacts on properties listed or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.  |            | X         |
| 2.8  | Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.  |            | X         |
| 2.9  | Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.   |            | X         |
| 2.10 | Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).  |            | X         |
| 2.11 | Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).   |            | X         |
| 2.12 | Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).   |            | X         |